UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,039	12/09/2003	Madhavi W. Chandra	062891.1169	8449

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EXAMINER
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ART UNIT	PAPER NUMBER
2141	

NOTIFICATION DATE	DELIVERY MODE
07/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/733,039	CHANDRA ET AL.
	Examiner	Art Unit	
	Nicholas R. Taylor	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 December 2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-21</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>09 December 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/29/04; 12/09/2003</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-21 have been examined and are rejected.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3.   Claims 13-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claims 13-17, the claimed language would reasonably be interpreted by one of ordinary skill in the art as a system of "software per se" and thus failing to fall within a statutory category of invention, because applicant's disclosure contains no explicit and deliberate definition for the term "means." In the context of the disclosure and claims in question, one of ordinary skill would reasonably interpret the "means" as a software application. As such, the system of "means" alone is not a machine, and it is clearly not a process, manufacture, or composition of matter. Thus, the claimed limitations are not limited to statutory subject matter and are therefore nonstatutory.

As to claims 18-21, the "computer readable medium" would reasonably be interpreted by one of ordinary skill in the art as failing to fall within a statutory category of invention, because applicant's disclosure contains no explicit and deliberate definition for the term "computer readable medium."

Thus, in the context of the disclosure and claims in question, one of ordinary skill

in the art would reasonable interpret the claimed subject matter to encompass intangible

embodiments such as propagated signals. As such, the claimed invention is not limited

to a process, machine, manufacture, or composition of matter. Thus, the claimed

limitations are not limited to statutory subject matter and are therefore nonstatutory.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b),
> by another filed in the United States before the invention by the applicant for patent or (2) a
> patent granted on an application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international application filed under the treaty
> defined in section 351(a) shall have the effects for purposes of this subsection of an application
> filed in the United States only if the international application designated the United States and
> was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart

(U.S. Patent 7,042,850).

6.   As per claims 1, 8, 13, and 18, Stewart teaches a method for reducing

information propagating in a network environment, comprising: (Stewart, col. 3, lines 46-

61)

gleaning routing information being communicated by a first network element, the

routing information being stored such that it may be accessed; and (Stewart, col. 3,

lines 22-31 and 46-65, where the network links are monitored for changes)

executing an adjacency protocol between the first network element and a second

network element that allows for a data exchange between the first and second network

elements, wherein the first network element does not communicate the routing

information gleaned by the second network element during the data exchange

associated with the adjacency protocol (Stewart, col. 4, lines 24-36 and 49-63; see

process of fig. 4 and the node relationships of the example given in fig. 3).

7.   As per claim 2, Stewart teaches the system further wherein the first network

element includes a routing database that is operable to store the routing information

(Stewart, see, e.g., col. 4, lines 24-31).

8.   As per claim 3, Stewart teaches the system further wherein the first network

element includes a general database, and wherein the first network element is operable

to verify the routing information with the second network element such that verified

information from the routing database may be stored in the general database (Stewart,

see, e.g., col. 3, lines 46-61 where OSPF is taught that includes, e.g., message

verification via authentication in the OSPF packet header where the packets are

discarded if failing to verify).

9.   As per claim 4, Stewart teaches the system further wherein the network element

is selected one of a group of elements consisting of: a router; a switch; a loadbalancer;

a processor; a bridge; and a gateway (Stewart, col. 4, lines 11-18).

10.   As per claims 5, 11, and 16, Stewart teaches the system further comprising:

implementing a communications protocol in the second network element, the

communications protocol being selected from a group of protocols consisting of:

an interior gateway routing protocol (IGRP) ; an enhanced IGRP (EIGRP); non-

stop forwarding (NSF) protocol; multi-protocol label switching (MPLS) protocol;

intermediate system-to-intermediate system (IS-IS) protocol; express forwarding (EF)

protocol; open shortest path first (OSPF) protocol; and stateful switch over (SSO)

protocol (Stewart, see, e.g., col. 3, lines 46-61 where OSPF is taught and col. 4, lines

63-66 where MPLS via LSP is taught).

11.   As per claims 6, 12, 17, and 21, Stewart teaches the system further comprising:

communicating the routing information in response to a change in a third network

element that is operable to communicate with the first network element (Stewart, see,

e.g., the monitoring interconnection of network elements in example fig. 3).

12.   As per claim 7, Stewart teaches the system further wherein the routing

information includes link state advertisements, requests, and updates, and wherein the

data exchange associated with the adjacency protocol includes an exchange of

database descriptors (DBDs) (Stewart, col. 3, lines 22-61; where link state

advertisement data is exchanged using OSPF, which includes exchange state

functionality that transfers DBD database descriptors).

13.   As per claims 9, 14, and 19, Stewart teaches the system further comprising:

accessing the routing information in order to make a comparison such that the routing

information gleaned by the second network element during the data exchange

associated with the adjacency protocol is not communicated to the second network

element (Stewart, col. 4, lines 24-36 and 49-63).

14.   As per claims 10, 15, and 20, Stewart teaches the above yet fails to teach further

comprising: verifying the routing information with the first network element such that

verified information may be stored in a general database (Stewart, see, e.g., col. 3, lines

46-61 where OSPF is taught that includes, e.g., message verification via authentication

in the OSPF packet header where the packets are discarded if failing to verify).

Conclusion

15.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. This includes:

U.S. Patent No. 6,744,739, which describes a method for obtaining networking

characteristics using routing protocols;

U.S. PGPub 2002/0169794, which describes a method of maintaining a

redundant database of link state advertisements in an OSPF routing system;

U.S. PGPub 2005/0083964, which describes a method of centralized collection

of routing protocol data.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Nicholas Taylor whose telephone number is (571) 272-
3889. The examiner can normally be reached on Monday-Friday, 8:00am to 5:30pm,
with alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number
for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).

NT 7-2-07

Nicholas Taylor
Examiner
Art Unit 2141

JASON CARDONE
SUPERVISORY PATENT EXAMINER